

SUPPORTING STATEMENT OMB NO. 0579-0195
Import of Used Farm Equipment from Regions with FMD

2011

Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Animal Health Protection Act (AHPA) of 2002 is the primary Federal law governing the protection of animal health. The law gives the Secretary of Agriculture broad authority to detect, control, or eradicate pests or diseases of livestock or poultry. The Secretary may also prohibit or restrict import or export of any animal or related material if necessary to prevent the spread of any livestock or poultry pest or disease.

The AHPA is contained in Title X, Subtitle E, Sections 10401-18 of P.L. 107-171, May 13, 2002, the Farm Security and Rural Investment Act of 2002.

Disease prevention is the most effective method for maintaining a healthy animal population and for enhancing the United States' ability to compete in the world market of animal and animal product trade.

In connection with this mission, the Veterinary Services' (VS) program of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) enforces regulations that pertain to the importation of animals and animal products into the United States and the prevention of foreign animal disease incursions into the United States. These regulations are contained in title 9, chapter I, subchapter D, parts 91 through 99 of the *Code of Federal Regulations* (9 CFR).

As a result of the occurrences of foot-and-mouth disease (FMD) in different parts of the world, APHIS prohibits the importation of all used farm equipment into the United States from regions in which FMD exists, unless the exporter provides certification signed by veterinary authorities from the exporting country-stating that the equipment has been steam-cleaned free of all soil and other particulate material in the exporting region.

Section 94.1 specifies that the conditions for importation require APHIS to inspect such farm equipment and if found to contain any exposed dirt or other particulate matter, it will be denied entry into the United States, unless in the judgment of the port inspector, the amount of exposed soil is minimal enough to allow cleaning at the port-of-arrival, and there are adequate facilities and personnel at the port to conduct such cleaning without risk of disease contamination. APHIS is asking the Office of Management and Budget (OMB) to renew, for 3 years, the use of this certification statement in connection with APHIS' efforts to prevent an FMD incursion into the United States.

2. Indicate how, by whom, how frequently, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

APHIS uses the following information activity to ensure that APHIS prohibits the importation of all used farm equipment into the United States from regions in which FMD exists.

Certification Statement

Used farm equipment entering the United States from any region in which FMD exists must be accompanied by a certification statement, completed by the farm equipment exporter and signed by an authorized official of the national animal health service of the region of origin, stating that the farm equipment (after its last use and prior to export) was steam-cleaned free of all visible soil and other particulate material in the exporting region. This ensures that FMD contaminated used farm equipment is not imported into the United States.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

APHIS keeps the burden to the minimum necessary to obtain the information needed to ensure that used farm equipment from FMD regions contains no soil or other particulate matter that could introduce FMD into the United States. Shipments of used farm equipment from FMD countries are accompanied by an original certificate signed by the exporting country's government official certifying that the used farm equipment has been steam-cleaned prior to export. This certificate is developed by the foreign government and as such, is not a form provided by APHIS. Therefore, an electronic version of this certificate is not available.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.

The information that APHIS collects is not available from any other source. APHIS is the only Federal agency responsible for preventing foreign animal diseases from entering the United States.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information APHIS must collect to safely import used farm equipment from FMD regions is the absolute minimum needed to help protect the United States against an FMD incursion. This collection does not impact small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the information was collected less frequently or not collected, APHIS would not have adequate ability to determine any risks associated with importing such equipment, and would be forced to discontinue the importation of any used farm equipment from FMD regions, a development that could have a damaging financial impact on exporters and importers of this equipment. As a result of this regulation, in calendar year 2010 there were 169 interceptions of used farm equipment at ports-of-arrival.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5.

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

This information collection is conducted in a manner consistent with the guidelines established in 5 CFR 1320.5.

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting form, and on the data elements to be recorded, disclosed, or reported. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB.

During 2011, APHIS engaged in productive consultations with the following individuals concerning the information collection activities associated with this program:

John Adams
National Milk Producers Federation
2101 Wilson Blvd., Suite 400
Arlington, Virginia 22201
(703) 243-6111

Dr. Beth Lautner
National Pork Producers Council
122 C Street NW, Suite 875
Washington, DC 20204
(202) 347-3600

Dr. Dan Baca
Texas Animal Health Commission
1716 South San Marcus
San Antonio, Texas 78207
(512) 224-5468

On Friday, June 24, 2011, page 37058, APHIS published in the Federal Register, a 60-day notice seeking public comments on its plans to request a **3-year renewal** of this collection of information. No comments from the public were received.

9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration of contractors or grantees.

This information collection activity involves no payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No additional assurance of confidentiality is provided with this information collection. Any and all information obtained in this collection shall not be disclosed except in accordance with 5 U.S.C. 552a.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection activity will ask no questions of a personal or sensitive nature.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

• **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

See **APHIS Form 71**. Burden estimates were developed from discussions with veterinary authorities and exporters of used farm equipment in FMD regions.

• **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

APHIS estimates the total annualized cost to these respondents to be \$8,000. APHIS arrived at this figure by multiplying the hours of estimated total burden hours (200) by the estimated average hourly wage of the above respondents (\$40.00). The average hourly wage of respondents was estimated by consulting with industry representatives that import used farm equipment from countries affected with FMD.

13. Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There is zero annual cost burden associated with capital and start-up costs, operation and maintenance expenditures, and purchase of services.

14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

The annualized cost to the Federal government is estimated at \$93,740.00 (See APHIS Form 79.)

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

ICR Summary of Burden:

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	1,000	0	0	-9,000	0	10,000
Annual Time Burden (Hr)	200	0	0	-1,800	0	2,000
Annual Cost Burden (\$)	0	0	0	0	0	

In the previous information collection there were 1000 total respondents and in the current collection there are 150 total respondents; a decrease of -850 total respondents from the previous collection.

After careful review in collaboration with the U.S. Customs and Border Protection, APHIS determined that the number of respondents previously recorded was overestimated; therefore, APHIS has updated the figures to reflect a more accurate figure.

In summary, there is an adjustment of -850 respondents and -9,000 responses resulting in a decrease of -1,800 total burden hours.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

APHIS has no plans to publish information collected in connection with this program.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no forms associated with this collection.

18. Explain each exception to the certification statement identified in Item 19 "Certification for Paperwork Reduction Act."

APHIS can certify compliance with all provisions under the Act.

B. Collections of Information Employing Statistical Methods

There are no statistical methods associated with the information collection activities used in this program.